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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/924,036

Filing Date: August 07, 2001

Appellant(s): PUENTE ET AL.

Puente et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/27/2006 appealing from the Office action
mailed 02/03/2006.

(1) Real Party in interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

Burns et al. (U.S. 5,991,306)

Lumley et al. (U.S. 6,588,013)

Omoigui et al. (U.S. 2005/0076378)

Nagai et al. (U.S. 6,795,092)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 5,991,306) and in view of Lumley (US 6,588,013).

Considering claim 1, Burns discloses a streaming media publishing system (figure 2) comprising: a content processing center (content server—52 in figures 2) for processing the media content (column 5, line 66 – column 6, line 7 and column 9, line 35-48) to generate a streaming media presentation comprising integrated static HTML pages (since the content server multicasts HTML pages, it inherently generates the HTML pages—column 6, lines 1-7) and encoded video, audio, (the media content has to inherently be formatted/encoded for suitable transmission) and metadata (hyperlinks for hypermedia document to various data items, such as video and audio—column 6, lines 1-7 and column 9, lines 42-50); a satellite for transmitting the streaming media presentation (54 in figure 1 and column 6, lines 22-25); a cache server (72 figure 2) for receiving and storing the transmitted streaming media presentation (column 6, lines 56-65); client personal computers (58 and 60 in figure 2) coupled to the cache server comprising browser software for accessing the streaming media presentation stored on the cache server and displaying the streaming media presentation (column 6, lines 48-55).

Burns further discloses that the processing center (52 in figure 6) serves content in the form of video, audio, and text (column 5, line 66 – column 6, line 1). However, Burns fails to specifically disclose a particular source for the media content.

In analogous art, Lumley discloses a source of media content (14 in figure 1 and column 4, line 66 – column 5, line 18) comprising video, audio, and textual content (column 5, lines 34-35) for distributing various promotional materials to multiple users (column 5, lines 19-35).

It would have been obvious to one of ordinary skill in the art to modify Burns' system to include a source of media content, as taught by Lumley, for the benefit of distributing various promotional materials to multiple users (column 5, lines 19-35).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 5,991,306) in view of Lumley (US 6,588,013) as applied to claim 1 above, and further in view of Omoigui (US 2005/0076378).

As for claim 2, Burns and Lumley disclose a streaming media publishing system.

Burns and Lumley fail to disclose that the streaming media presentation is searchable using the metadata integrated with the video and audio.

In analogous art, Omoigui discloses that the streaming media presentation (paragraph 19, lines 1-7) is searchable using the metadata (descriptive presentation information) integrated with the video and audio (paragraph 22, lines 1-7) for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

It would have been obvious to one of ordinary skill in the art to modify the combined system of Burns and Lumley to include searchable streaming media presentation using metadata, as taught by Omoigui, for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 5,991,306) in view of Nagai (US 6,795,092).

With regards to claim 3, Burns discloses a streaming media publishing method (figure 2) comprising the steps of: selectively processing graphics and text associated with a streaming media presentation to create a dynamic hypertext markup language (HTML) page (column 5, line 66 – column 6, line 7) corresponding thereto; processing video and audio (column 5, line 66 – column 6, line 1) to extract metadata associated with the presentation (hyperlinks for hypermedia document to various data items, such as video and audio—column 6, lines 1-7 and column 9, lines 42-50); encoding the video, audio, and metadata in a predetermined format (the media content has to inherently be formatted/encoded for suitable transmission); integrating static HTML page with encoded video, audio, and metadata (since the content server multicasts HTML pages: web pages, that links text, audio, and video, and the media content has to inherently be formatted/encoded for suitable transmission, the HTML page is inherently integrated with the streaming media before multicasting—column 5, line 66 – column 6, line 7); transmitting the streaming media presentation comprising the integrated static

HTML page and encoded video, audio, and metadata to a remotely located cache server where it is stored (column 6, lines 22-25 and 56-65); accessing and viewing the streaming media presentation using web browser software disposed on a personal computer coupled to the cache server (column 6, lines 1-7 and 48-65).

Burns fails to disclose converting the dynamic HTML page into a static HTML page.

In analogous art, Nagai discloses converting the dynamic HTML page into a static HTML page for the benefit of generating a static digest/summary of a multimedia from a plurality of media data (column 6, lines 39-43 and column 7, lines 50-52).

It would have been obvious to one of ordinary skill in the art to modify Burns' method to include converting the dynamic HTML page into a static HTML page, as taught by Nagai, for the benefit of generating a static digest/summary of a multimedia from a plurality of media data (column 6, lines 39-43 and column 7, lines 50-52).

Regarding claim 4, Burns and Nagai meet the claimed limitation. In particular, Burns discloses that streaming media presentation is transmitted over a satellite link (54 in figure 1 and column 6, lines 22-25).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 5,991,306) in view of Nagai (US 6,795,092) as applied to claim 3 above, and further in view of Omoigui (US 2005/0076378).

As for claim 5, Burns and Nagai disclose a streaming media publishing system. Burns and Nagai fail to disclose that the streaming media presentation is searchable using the metadata integrated with the video and audio.

In analogous art, Omoigui discloses that the streaming media presentation (paragraph 19, lines 1-7) is searchable using the metadata (descriptive presentation information) for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

It would have been obvious to one of ordinary skill in the art to modify the combined method of Burns and Nagai to include searchable streaming media presentation using metadata, as taught by Omoigui, for the benefit of searching for a particular media presentation (Omoigui—paragraph 22, lines 5-7).

(10) Response to Argument

In response to appellants' argument (page 7, 2nd paragraph) that nothing in Burns teach a content processing center, the cited content processing server (content server 52 in figure 2 in Burns) is for processing media content (as shown by Burns in column 5, line 66 – column 6, line 7 and column 9, line 35-48, wherein the retrieval and transmission of content to the cache server requires the content to be processed, this is a fundamental aspect of computing devices, as acting on data is to process it) and serves the media content in the form of video, audio, and text (column 5, line 66 – column 6, line 1).

In response to appellants' argument (page 7, 2nd paragraph) that Burns does not teach a content processing center coupled for receiving the media content from the source of the media content and for processing the received media content from the source of the media content and for processing the received media content to generate a streaming media presentation comprising integrated static HTML pages and encoded video, audio and metadata, the Examiner would like to clarify that column 6, lines 1-7 in Burns inherently discloses generating a streaming media presentation comprising integrated static HTML pages by disclosing that the content server multicasts HTML pages (HTML by itself is static unless otherwise stated as dynamic HTML, which is an interactive web site created by using a combination of static HTML and other key components). Burns further discloses that the content processing center (content

server—52 in figure 2) serves the media content in the form of video, audio, and text (column 5, line 66 – column 6, line 1), wherein the HTML pages are also stream along with associated audio and video content (said content is then stored in CMS 126, as stated in column 9, lines 45-58 and lines 56-65). Furthermore, appellants' should note that it is the combination of Burns and Lumley that teach the claimed limitations of claim 1.

In response to appellants' argument (page 8, 2nd paragraph) that Burns does not teach, suggest or imply a satellite for transmitting the streaming media presentation, appellants should note that element 54 was introduced as a satellite for transmitting streaming media presentation, as required by claim 1. Since element 54 is a high bandwidth network (col. 6, lines 16-19) that is connected to the content server (52) that provides audio, video and other multimedia (col. 5, lines 65 – col. 6, line 2) it can be implemented as a satellite (col. 6, lines 22-27). Furthermore, appellants' should note that Figure 6 and column 11, line 49 is NOT what the Examiner cited to read on “a satellite for transmitting the streaming media presentation”.

In response to appellants' argument (page 8, 3rd paragraph) that Burns does not teach, suggest or imply a cache server for receiving and storing the transmitted streaming media presentation, the Examiner cites column 6, lines 56-65, wherein Burns discloses a cache server (72 in figure 2) having a storage 78 in figure 2 and caches internet resources/media presentation requested by the subscribers (col. 9, lines 56-65).

In response to appellants' argument (page 8, 4th paragraph) that Burns does not teach, suggest or imply one or more client computers coupled to the cache server that each comprise browser software for accessing the streaming media presentation, the Examiner cites column 6, lines 48-65, wherein Burns discloses one or more client computers (58 and 60 in figure 2) coupled to the cache server (connected to the ISP 56, which comprises the cache server—column 6, lines 48-50) each inherently comprising a browser software (column 8, lines 5-22) for accessing the streaming media presentation, because a browser is required for accessing and presenting information from a web page to a display device.

In response to appellants' argument (page 8, 5th paragraph - page 9, 1st paragraph) that label 52 in Figure 6 and the accompanying discussion at col. 5, line 66 – col. 6, line 1 of Burns does not teach, suggest or imply the processing center as set out in element 2 of claim 1, appellants should note that Burns' disclosure of the content server 52 serving content in the form of text, audio, video, graphic images, and other multimedia data reads on the claimed limitation in element 2 of claim 1.

In response to appellants' argument (page 9, 2nd paragraph) that Lumley does not disclose the source of media content, the Examiner cites 14 in figure 1 and column 4, line 66 – column 5, line 18, wherein Lumley discloses the source of media content

comprising video, audio, and textual content (column 5, lines 34-35) for distributing various promotional materials to multiple users (column 5, lines 19-35).

In response to appellants' argument (page 9, 3rd paragraph) that Burns is not properly combinable with Lumley (Lumley is nonanalogous art), it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to that particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Lumley, like Burns, pertains to the field of transmitting data (audio and video) from one point to another – client-server system (i.e. in the field of applicant's endeavor).

In response to appellants' argument (page 10, 4th paragraph) that Omoigui does not teach, suggest or imply a searchable streaming media presentation using metadata integrated with video and audio, the Examiner cites paragraph 22, lines 1-7, wherein Omoigui discloses a streaming media presentation (paragraph 19, lines 1-7) that is searchable using the metadata (descriptive presentation information) integrated with the video and audio (paragraph 22, lines 1-7) for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

In response to appellants' argument (page 10, 5th paragraph) that there is no suggestion to combine Omoigui with Burns and Lumley, the examiner recognizes that

obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited benefit of searching for a particular media presentation as expressly recited in Omoigui, see paragraph 22, lines 5-7.

In response to appellants' argument (page 12, 2nd paragraph) that Nagai does not teach, suggest or imply converting the dynamic HTML page into a static HTML page, the Examiner cites column 7, lines 50-52, wherein Nagai discloses converting dynamic contents into a static HTML page (obtain a static HTML content from dynamic contents—column 7, lines 50-52). The dynamic contents of Nagai constitute at least one dynamic HTML page in that an HTML page is a set of HTML contents. Since Nagai discloses that a set of HTML contents are converted to a set of static HTML contents, Nagai clearly discloses converting a dynamic HTML page into a static HTML page.

In response to appellants' argument (page 12, 4th paragraph) that there is no suggestion to combine Burns and Nagai, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited benefit of generating a static digest/summary of a multimedia from a plurality of media data as expressly recited in Nagai, see column 6, lines 39-43 and column 7, lines 50-52.

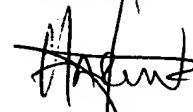
In response to appellants' argument (page 13, 7th paragraph) that there is no suggestion to combine Burns, Nagai and Omoigui, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited benefit of searching for a particular media presentation (Omoigui—paragraph 22, lines 5-7).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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May 09, 2006

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